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DALLAS COUNTY
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FELICIA PITRE
DISTRICT CLERK

NO. DC-16-15641

Freeney Anita

ANGELA POLICE
Plaintiff,

V.

HOWARD MAYFIELD and PCC
REFRIGERATED EXPRESS INC.
D/B/A PCC TRANSPORTATION
Defendants

§ IN THE DISTRICT COURT
§
§
§ H-160TH
§ JUDICIAL DISTRICT
§
§
§
§
§ DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ANGELA POLICE, (ID#xxxxx3400, SS#xxx-xx-3622) hereinafter referred to as Plaintiff, complaining of and about HOWARD MAYFIELD and PCC REFRIGERATED EXPRESS INC. D/B/A PCC TRANSPORTATION, hereinafter referred to as Defendants, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. It is requested that this lawsuit be handled as a Level 2 Discovery case. Plaintiff seeks monetary relief over \$100,000.00 but not more than \$200,000.00. Plaintiff's Request for Written Disclosure is being served upon Defendant with this petition and citation.

PARTIES AND SERVICE

2. Plaintiff, ANGELA POLICE, is an individual residing in Dallas, Dallas County, Texas.

3. Defendant HOWARD MAYFIELD is an Individual who is a residence is 1555 Burlington Avenue, Columbus, Ohio 43227 where service may be had upon him, or in the alternative, any other place he may be found.

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EXHIBIT

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4. Defendant **PCC REFRIGERATED EXPRESS INC. D/B/A PCC TRANSPORTATION**, is a Corporation doing business in the State of Texas, that may be served by serving its Owner, **MARY MATZ** at 2365 Performance Way, Columbus Ohio 43207-2858 where service may be had upon her, or in the alternative, any other place she may be found.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Venue in Dallas County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because the event complained in this lawsuit took place in Dallas County, Texas in this county.

FACTS

7. On or about July 11TH, 2014, Plaintiff **ANGELA POLICE** was traveling on IH-20 in Dallas, Texas, when, suddenly and without warning, Defendant **HOWARD MAYFIELD** who was driving a truck owned, leased, or otherwise under the control of Defendant **PCC REFRIGERATED EXPRESS INC. D/B/A PCC TRANSPORTATION**, was driving at an improper lane change, made an improper turn causing a collision between the two vehicles.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST HOWARD MAYFIELD.

8. Defendant **HOWARD MAYFIELD** had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

9. Plaintiff's injuries were proximately caused by Defendant **HOWARD MAYFIELD'S** negligent, careless and reckless disregard of said duty.

10. The negligent, careless and reckless disregard of duty of Defendant **HOWARD**

MAYFIELD consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant **HOWARD MAYFIELD** failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant **HOWARD MAYFIELD** failed to turn his vehicle to the right or left in an effort to avoid the collision complained of;
- C. In that Defendant **HOWARD MAYFIELD** changed lanes when it was unsafe to do so;
- D. In that Defendant **HOWARD MAYFIELD** failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- E. In that Defendant **HOWARD MAYFIELD** was operating his motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances;
- G. In that Defendant **HOWARD MAYFIELD** failed to apply his brakes to his vehicle in a timely and prudent manner and/or wholly failed to apply his brakes; and
- H. Defendant **HOWARD MAYFIELD** failed to yield the right of way.

**PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST PCC REFRIGERATED EXPRESS
INC. D/B/A PCC TRANSPORTATION**

11. Because of the acts and/or omissions of its employee, Defendant **PCC REFRIGERATED EXPRESS INC. D/B/A PCC TRANSPORTATION**, is responsible for the actions and/or omissions of its employee under the doctrine of respondent superior and or vicarious liability. At all times referred to in this suit, Defendant, **HOWARD MAYFIELD** was an agent, servant, and/or employee of Defendant, **PCC REFRIGERATED EXPRESS INC. D/B/A PCC TRANSPORTATION**

DAMAGES FOR PLAINTIFF, ANGELA POLICE

12. As a direct and proximate result of the occurrence made the basis of this lawsuit,

Plaintiff, ANGELA POLICE was caused to suffer severe injuries, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, ANGELA POLICE for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in the county where services were rendered;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Mental anguish in the past; and
- I. Mental anguish in the future.

REQUEST FOR DISCLOSURE

In accordance with Tex.R.Civ.P.194, you are requested to disclose to Plaintiffs at the office of the undersigned counsel for Plaintiffs, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(l)..

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, ANGELA POLICE respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through

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the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

ROLLE, BREELAND & WINGLER

/s/ Lyn T. Breeland

LYN T. BREELAND

State Bar No. 02946500

Attorney For Plaintiff

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ATTORNEY FOR PLAINTIFF

**IMPORTANT NOTICE TO DEFENDANT:
YOU MUST DELIVER THIS PETITION (WITH
REQUEST FOR DISCLOSURE INCORPORATED)
IMMEDIATELY TO YOUR INSURANCE COMPANY.**